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10 **IN THE UNITED STATES DISTRICT COURT**
11 **FOR THE DISTRICT OF ARIZONA**

12 United States of America,

13 Petitioner,

14 vs.

15 Abdul Malik Abdul Kareem,

16 Respondents.

17 No. 2:15-cr-00707 - SRB

18 **MOTION FOR APPELLATE**
19 **COUNSEL TO GAIN ACCESS TO**
20 **SEALED RECORDS AND**
21 **TRANSCRIPTS**

22 The defendant/appellant, Abdul Malik Abdul Kareem, by and through his court-appointed
23 appellate counsel of record, Donna Lee Elm, moves this Honorable Court to enter an order
24 authorizing counsel to have access to almost all transcripts, including those currently under seal,
25 and other sealed documents in the Court's docket for this case. The government expressly asks to
26 exclude from that its sealed documents that were submitted *in camera*, and undersigned counsel
27 of course agrees to that. Consequently, the government's *ex parte* filings would not be made
28 available to counsel although the defense *ex parte* and sealed documents would be made available.
It is necessary for review and prosecution of his pending appeal, *United States v. Abdul Kareem*,
Ninth Circuit case nos. 21-10315 and 20-10155.

In support of this motion, Mr. Abdul Kareem confirms that the undersigned has been
appointed to represent him in his appeal of the judgment and sentence entered herein. Doc. 759.
This case has an unusually sizable number of sealed records in its docket. Counsel needs to review
those sealed records and transcripts in order to determine what issues can properly be raised on

appeal so as to provide Mr. Abdul Kareem effective assistance of appellate counsel. Counsel thus moves for complete access to the Court's sealed filings and transcripts (except for the government's *ex parte* sealed filings) in order to properly prosecute the pending appeal.

To be clear, counsel is not seeking to have any of the sealed material unsealed (which would improperly make it available to the public). Rather, counsel simply moves to be granted access to it and to be allowed to make copies of it to use for the direct appeal. Counsel has consulted with AUSA Joseph Koehler regarding this motion and can confirm that the United States has no objection to it being granted.

Additionally, Counsel appreciates the strict obligation to not disseminate any of the sealed records – except filing them under seal in the Ninth Circuit Court of Appeals and sharing those documents within the defense team. Furthermore, Counsel understands that there was a Protective Order in place for much of the records and agrees to abide by that as well.

Respectfully submitted on May 23, 2022.

DONNA LEE ELM

/s/ Donna Lee Elm
Donna Lee Elm
Counsel for Mr. Abdul Kareem

CERTIFICATE OF SERVICE

I hereby certify that on May 23, 2021, I electronically transmitted the attached document to the Clerk's Office of the District Court in Phoenix, Arizona using the CM/ECF system for filing, and the following registered participants will thus be served by the CM/ECF system:

AUSA Joseph Koehler

AUSA Kristen Brook

AUSA (DOJ) Jeffrey Smith

I further certify that on this day I placed a copy of this motion in the U.S. Mails to go to Mr. Abdul Kareem at FCI Beaumont, Medium.

DONNA LEE ELM

s/ *Donna Lee Elm*
Donna Lee Elm
Counsel for Petitioner